

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 17, 18, 33, 35, 37, and 39-52 were pending in the application, of which Claims 35, 37, 39-44, 49, 50, and 52 are independent. In the Decision on Appeal dated September 29, 2010, the Examiner's rejections of Claims 33, 35, 37, 39-41, 43, and 49-52 was reversed. Claims 17-18, 42, and 44-48 stand rejected under 35 U.S.C. § 103(a) by the Board of Appeal's affirmation of the Examiner. Following entry of this response, Claims 33, 35, 37, 39-41, and 43-52 remain in this application with claims 17, 18, and 42 being canceled without prejudice or disclaimer. Applicants hereby address the Board of Appeal's decisions in turn.

I. Reversal of the Examiner's Rejections

Following the Decision on Appeal dated September 29, 2010, the rejections of Claims 33, 35, 37, 39-41, 43, and 49-52 stand reversed. Applicants respectfully request that the Examiner pass these claims to issue.

II. Rejection of Claims 17, 18 and 42 Under 35 U.S.C. § 103(a)

In the Decision on Appeal, the Board of Appeals affirmed the Examiner's rejections of Claims 17-18 and 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,088,516 ("*Kreisel*") in view of U.S. Patent No. 6,052,563 ("*Macko*"). Claims 17-18 and 42 are hereby canceled without prejudice or disclaimer.

III. Rejection of Claims 17, 18 and 42 Under 35 U.S.C. § 103(a)

In the Decision on Appeal, the Board of Appeals affirmed the Examiner's rejections of Claims 44-48 under 35 U.S.C. § 103(a) as being unpatentable over *Kreisel* in view of U.S. Patent No. 6,360,221 ("*Gough*"). Claim 44 has been amended, and Applicants respectfully submit that this amendment overcomes this rejection and adds no new matter.

Claim 44 is patentable over the cited references for at least the reason that it recites, for example, "wherein said changing step includes changing the state associated with the illumination member to a first state in response to determining a change in the state of the character in the game program, changing the state associated with the illumination member to a second state in response to determining a change in the characteristic of the character in the game program, and changing the state associated with the illumination member to a third state in response to determining a change in the condition of the character in the game program." Support for this amendment can be found on p. 14 of the specification, describing the detection of state changes within a program such as an adventure game.

In contrast, *Kriesel* does not disclose the aforementioned recitation. *Kriesel* merely discloses illuminating an LED in response to receiving an e-mail message. (*Kriesel*, col. 1, lines 10-14, 40-64; col. 2, lines 16-23, 36-38.) As stated by the Board of Appeals, *Kriesel* does not disclose different states for illuminated LED's based on two different types of messages. (Decision on Appeal, pp. 11-12.) The Board also found that *Kriesel* fails to teach anything related to establishing a third state of illumination based on the determination that a correct answer has been input. (Decision on Appeal, p. 12.) Applicants respectfully submit

that *Kriesel* also fails to disclose multiple illumination states associated with the determination of various states within a game program.

Furthermore, *Gough* fails to overcome *Kriesel*'s deficiencies. *Gough* discloses an enhanced e-mail system operative to conduct a multi-player chess game. (*Gough*, col. 16, lines 1-5.) Nowhere, however, does *Gough* disclose the use of illumination to identify states within the chess game, let alone the use of different illumination states associated with the determination of various states within a game program.

Combining *Kriesel* with *Gough* would not have led to the claimed invention because *Kriesel* and *Gough*, either individually or in combination, at least do not disclose or suggest "wherein said changing step includes changing the state associated with the illumination member to a first state in response to determining a change in the state of the character in the game program, changing the state associated with the illumination member to a second state in response to determining a change in the characteristic of the character in the game program, and changing the state associated with the illumination member to a third state in response to determining a change in the condition of the character in the game program," as recited by amended Claim 44. Accordingly, independent Claim 44 patentably distinguishes the present invention over the cited references, and Applicants respectfully request withdrawal of this rejection of Claim 44.

Dependent Claims 45-48 are also allowable at least for the reasons described above regarding independent Claim 44, and by virtue of their dependency upon independent Claim 44. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 45-48.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the findings of the Decision on Appeal, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner or the Board of Appeals. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Decision on Appeal contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Decision on Appeal.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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